

Message Text

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ACTION IO-14

INFO OCT-01 EA-10 ISO-00 STRE-00 NRC-05 CTME-00 AGR-05
CEA-01 CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01
INR-10 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01
AID-05 SS-15 STR-07 ITC-01 TRSE-00 ICA-11 SP-02
SOE-02 OMB-01 DOE-15 /135 W
-----000442 200850Z /10

P 200827Z JUN 78
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC PRIORITY 8968
USMISSION GENEVA PRIORITY

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USMTN
DEPT ALSO PASS STR ELECTRONICALLY

E.O. 11652: NA
TAGS: ETRD, JA
SUBJECT: JAPANESE LAWS AND REGULATIONS REGARDING
AIRCRAFT, NUCLEAR REACTORS, AND HUNTING GUNS.

REF: GENEVA 8959

SUMMARY: EMBASSY HAS FOUND NO EVIDENCE THAT JAPANESE
LAWS AND REGULATIONS GOVERNING THE IMPORT OF AIRCRAFT,
AIRCRAFT PARTS, NUCLEAR REACTORS AND EQUIPMENT ARE
DISCRIMINATORY. ADDITIONAL INFORMATION ON
NUCLEAR REACTORS IS STILL BEING GATHERED. A QUOTA
SYSTEM REGULATING HUNTING GUN IMPORTS COULD BECOME
DISCRIMINATORY, BUT DOES NOT SEEM TO HAVE BEEN USED
IN THIS MANNER TO DATE. END SUMMARY.

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1. SPECIAL REQUIREMENTS AFFECTING IMPORTS OF HUNTING
GUNS AND AMMUNITION INTO JAPAN ARE AS FOLLOWS:

- A. APPLICABLE LAW IS "ORDINANCE MANUFACTURING LAW NO.
145, 8/53 (AS AMENDED 1971) ARTICLE 19," AND
"CABINET ORDER NO. 198, 8/53."
B. JURISDICTION IS UNDER AIRCRAFT-ORDINANCE SECTION, MITI;

AND EXPLOSIVES-ELECTRICITY SECTION, PROTECTION COORDINATION DEPARTMENT, POLLUTION BUREAU, OF THE PREFECTURAL GOVERNMENT IN WHICH THE SALES/WAREHOUSING FACILITY OF THE IMPORTER/DISTRIBUTOR IS LOCATED.

C. PROCEDURES FOR IMPORTING "HUNTING GUNS" (AND AMMUNITION): A POTENTIAL IMPORTER MUST OBTAIN LICENSES TO SELL, WAREHOUSE, AND IMPORT HUNTING GUNS AND AMMUNITION. BOTH HIS PERSONAL QUALIFICATIONS AND PHYSICAL FACILITIES ARE SCRUTINIZED BEFORE THESE ARE ISSUED TO HIM. EXCEPT AS NOTED BELOW, NO OTHER RESTRICTIONS ARE PLACED ON IMPORTERS, BEYOND ROUTINE BUYER REGISTRATION REQUIREMENTS.

D. EACH YEAR, THE MITI AIRCRAFT-ORDINANCE SECTION ESTABLISHES QUOTAS ON THE NUMBER OF HUNTING GUNS THAT MAY BE SOLD. DISTRIBUTORS ARE NOTIFIED OF THE QUOTA VERBALLY. QUOTAS ARE SET TO PREVENT INVENTORY ACCUMULATION IN VIEW OF THE THIN JAPANESE MARKET FOR GUNS. EACH DISTRIBUTOR IS ALLOCATED A CERTAIN PERCENTAGE OF THE QUOTA.

E. COMMENT. ALTHOUGH THE ABOVE LAWS AND REGULATIONS ARE APPLIED EQUALLY TO DOMESTICALLY MANUFACTURED AND IMPORTED HUNTING GUNS, THE QUOTA SYSTEM COULD BECOME A MEANS TO DISCRIMINATE AGAINST IMPORTED GUNS. DETAILED LIMITED OFFICIAL USE

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INFORMATION ABOUT THE QUOTA ON HUNTING GUN IMPORTS IS DIFFICULT TO OBTAIN BECAUSE IT APPEARS TO BE ADMINISTERED THROUGH MITI "ADMINISTRATIVE GUIDANCES." HOWEVER, WE HAVE BEEN INFORMED THAT THE QUOTA HAS BEEN BASED ON THE PREVIOUS YEAR'S IMPORTS, PLUS ABOUT 30 PERCENT. IF CORRECT AND IMPORTS IN 1976 AND 1977 REMAINED STEADY AT ABOUT 15,500 HUNTING GUNS EACH YEAR (1975 IMPORTS WERE 18,000), THEN YEARLY IMPORTS HAVE BEEN RUNNING ABOUT 30 PERCENT BELOW QUOTA. EMBASSY DOES NOT HAVE ANY INFORMATION TO INDICATE THAT, TO DATE, THE QUOTA HAS BEEN USED TO DISCRIMINATE AGAINST IMPORTS. THE ONLY LOGICAL USE FOR QUOTA MAINTENANCE SEEMS TO BE TO PREVENT A SUDDEN SURGE IN GUN IMPORTS.

2. REQUIREMENTS FOR THE IMPORT OF CIVIL AIRCRAFT, AIRCRAFT PARTS, ENGINES, AND AVIATION RADIO EQUIPMENT ARE AS FOLLOWS:

A. APPLICABLE LAWS AND REGULATIONS ARE:

- CIVIL AERONAUTICS LAW, LAW NO. 231, 7/15/52; LATEST AMEND, 6/1/77.

- RADIO WAVE LAW NO. 131, 5/2/50; LATEST AMEND. 7/10/73.

- U.S.-JAPAN BILATERAL AIRWORTHINESS AGREEMENT, 11/29/77.
..(APPLIES ONLY TO U.S. CIVIL AIRCRAFT, SPACE ENGINES,
.. PROPELLERS AND OTHER AIRBORNE EQUIPMENT.)

- CABINET ORDER NO. 421, 9/16/52; LATEST AMEND. 12/14/75.

- MOT ORDINANCE NO. 56, 7/31/52 (CIVIL AERONAUTICS
REGULATIONS); LATEST AMEND. 14/18/77.

- RADIO REGULATORY COMMISSION REGULATIONS NO. 14, 11/30/50
(RADIO LAW ENFORCEMENT REGULATIONS); LATEST AMEND. 1/31/77.
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ACTION IO-14

INFO OCT-01 EA-10 ISO-00 STRE-00 NRC-05 AGR-05 CEA-01
CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10
INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00
AID-05 SS-15 STR-07 ITC-01 TRSE-00 ICA-11 SP-02
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- MOPT ORDINANCE NO. 40, 12/26/61 (RADIO EQUIPMENT TYPE
APPROVAL INSPECTION REGULATIONS) (RETAIR); LATEST
AMEND. 4/1/77.

- RRC REGULATIONS NO. 18, 11/30/50 (RADIO FACILITIES

REGULATIONS); LATEST AMEND. 1/31/77.

-- MOPT NOTIFICATION NO. 232, 4/1/77 (REQUIREMENTS NECESSARY TO MEET THE PROVISIONS IN ART. 3, RETAIR; STRUCTURE OF PRODUCTS AND REQUIRED PERFORMANCE; AND OTHERS PROVIDED IN ITEM 1, LIST 1-1, ART. 3 OF THE RETAIR.)

B. JURISDICTION IS UNDER AIRWORTHINESS DIVISION, MINISTRY OF TRANSPORT (MOT); OPERATIONS DIVISION, TOKYO OR OSAKA CIVIL AVIATION REGIONAL OFFICES; RADIO DIVISION, MINISTRY OF POSTS AND TELECOMMUNICATIONS (MOPT); AND THE AVIATION AND MARITIME DIVISION, RADIO REGULATORY BUREAU, MOPT.

C. PROCEDURES FOR IMPORTING AIRCRAFT AND AIRCRAFT PARTS LIMITED OFFICIAL USE

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ARE:

(1) OWNER OF AIRCRAFT MUST APPLY FOR CERTIFICATION AT THE REGIONAL OFFICE WHERE AIRCRAFT IS TO BE REGISTERED. IF AIRCRAFT HAS A U.S. FAA AIRWORTHINESS CERTIFICATE, FLIGHT MANUAL, MAINTENANCE RECORD, AND DOCUMENTS DESCRIBING THE AIRCRAFT STRENGTH, STRUCTURE, AND PERFORMANCE CAPABILITIES, CERTIFICATION AFTER INSPECTION IS USUALLY GRANTED ROUTINELY.

2. FOR SPARE PARTS, CERTIFICATION MUST BE OBTAINED FROM A CIVIL AVIATION REGIONAL OFFICE. THE PART MUST BE VISUALLY INSPECTED, BUT IF IT HAS A U.S. FAA EXPORT CERTIFICATE AND MEETS MOT STANDARDS, DIFFICULTIES ARE RARELY ENCOUNTERED AND DETAILED INSPECTIONS ARE WAIVED.

D. AVIATION RADIO EQUIPMENT MUST RECEIVE TYPE APPROVAL AND CERTIFICATION FROM THE RADIO DIVISION, MOPT. NOTICE OF THIS CERTIFICATION MUST THEN BE AFFIXED BY THE IMPORTER ON ALL SIMILAR TYPE PRODUCTS IMPORTED BY HIM THEREAFTER. END USERS MUST, IN ADDITION, APPLY TO MOPT FOR AN AIRCRAFT "RADIO STATION PERMIT" BEFORE THEY CAN PUT AIRCRAFT RADIO EQUIPMENT INTO OPERATION.

E. COMMENT: U.S. PRODUCTS DOMINATE THE JAPANESE AIRCRAFT AND AVIONICS MARKET. MOST CERTIFICATIONS TAKE FROM A FEW DAYS TO ABOUT TWO WEEKS, EXCEPT TYPE APPROVAL WHICH TAKES ABOUT THREE MONTHS. SINCE JAPANESE PRODUCTS MUST ALSO BE CERTIFIED, THESE PROCESSES DO NOT APPEAR TO BE DISCRIMINATORY.

3. LAWS AND REGULATIONS GOVERNING NUCLEAR REACTORS AND EQUIPMENT ARE COMPLICATED AND EMBASSY IS STILL

GATHERING INFORMATION ON THE. INITIAL INDICATIONS ARE
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THAT, ASIDE FROM CERTAIN PROCUREMENT PRACTICES, THERE
IS NO DISCRIMINATION AGAINST U.S. EXPORTS.
CANADA HAS ON OCCASION CLAIMED DISCRIMINATION CONCERNING
THEIR EXPORT OF HEAVY WATER REACTORS TO JAPAN, BUT U.S.
EMBASSY SCIENCE COUNSELOR NOTES THAT FAILURE TO OBTAIN
JAPANESE ACCEPTANCE IS RESULT OF TREMENDOUS TECHNO-
LOGICAL PROBLEMS INVOLVED, INCLUDING ADAPTING A
HEAVY WATER REACTOR TO AN EARTHQUAKE PRONE ENVIRONMENT,
NOT WILLFUL DISCRIMINATION.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIRCRAFT, SMALL ARMS, NUCLEAR REACTORS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
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